

A CERTIFIED TRUE COPY

ATTEST

By April Layne on Aug 18, 2008FOR THE UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATIONUNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**Aug 18, 2008**FILED
CLERK'S OFFICE**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION****IN RE: AFTERMARKET FILTERS ANTITRUST LITIGATION**

MDL No. 1957

FILED: AUGUST 18, 2008

08CV4883

TRANSFER ORDER

JUDGE GETTLEMAN

MAGISTRATE JUDGE BROWN

Before the entire Panel^{*}: Now before the Panel are three motions brought, pursuant to 28 U.S.C. § 1407, for coordinated or consolidated pretrial proceedings of some or all of the actions listed on Schedule A. In total, the motions encompass 25 actions, twelve actions in the District of Connecticut, four actions each in the Northern and Southern Districts of Illinois, three actions in the District of New Jersey and one action each in the Eastern and Middle Districts of Tennessee.¹

Plaintiffs in eight actions filed the three motions seeking centralization in the District of Connecticut, the Northern District of Illinois, or the Southern District of Illinois.² All responding plaintiffs support centralization in one of these districts or the Northern District of California.³ All defendants⁴ support centralization in the District of Connecticut.

On the basis of the papers filed and hearing session held, we find that these 25 actions involve common questions of fact, and that centralization under Section 1407 in the Northern District of Illinois will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. All actions share allegations that the defendants conspired to fix, raise, maintain or

^{*} Judge Heyburn took no part in the decision of this matter.

¹ The parties have notified the Panel of 21 related actions pending in multiple federal districts. These actions and any other related actions will be treated as potential tag-along actions. *See* Rules 7.4 and 7.5, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001).

² Plaintiffs in two other actions moved for Section 1407 transfer to the District of New Jersey, but subsequently withdrew their motion.

³ In his response, plaintiff in one District of Connecticut action also suggested the Eastern District of New York as an alternative choice for transferee district.

⁴ ArvinMeritor, Inc.; Baldwin Filters, Inc.; Robert Bosch LLC; Champion Laboratories, Inc.; Cummins Filtration Inc.; Donaldson Co., Inc.; Honeywell International Inc.; Wix Filtration Corp. LLC; Mann + Hummel U.S.A., Inc.; Purolator Filters N.A., LLC; and United Components, Inc.

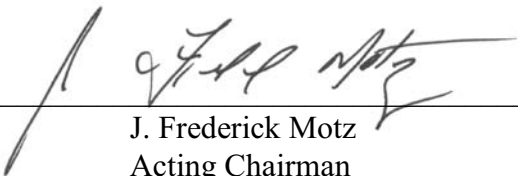
- 2 -

stabilize prices, rig bids and allocate customers of aftermarket automotive filters in the United States, in violation of federal and/or state antitrust law. Centralization under Section 1407 will eliminate duplicative discovery, prevent inconsistent pretrial rulings, and conserve the resources of the parties, their counsel and the judiciary.

Any of the districts suggested by the parties would be an appropriate transferee forum; however, on balance, we are persuaded that the Northern District of Illinois is a preferable transferee forum for this litigation. Several actions are already pending in this district before one judge, and plaintiffs in numerous actions pending in this district and elsewhere support the Northern District of Illinois as their first or second choice for transferee district. Considerations of convenience and accessibility also favor the Northern District of Illinois.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the actions listed on Schedule A and pending outside the Northern District of Illinois are transferred to the Northern District of Illinois and, with the consent of that court, assigned to the Honorable Robert W. Gettleman for coordinated or consolidated pretrial proceedings with the actions listed on Schedule A and pending in that district.

PANEL ON MULTIDISTRICT LITIGATION



J. Frederick Motz
Acting Chairman

John G. Heyburn II, Chairman*
Kathryn H. Vratil

Robert L. Miller, Jr.
David R. Hansen

**IN RE: AFTERMARKET FILTERS
ANTITRUST LITIGATION**

MDL No. 1957

SCHEDULE A

District of Connecticut

S&E Quick Lube Distributors, Inc. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-475
Flash Sales, Inc. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-512
William C. Bruene, etc. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-522
T.D.S. Co., Inc., etc. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-528
Barjan, LLC v. Champion Laboratories, Inc., et al., C.A. No. 3:08-534
Packard Automotive, Inc. v. Honeywell International, Inc., et al., C.A. No. 3:08-600
Parts Plus Group, Inc. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-637
Ward's Auto Painting & Body Works, Inc. v. Champion Laboratories, Inc., et al.,
C.A. No. 3:08-660
Justus Austin, III v. Honeywell International, Inc., et al., C.A. No. 3:08-711
Francis Doll, III, et al. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-718
Gemini of Westmont, Inc., etc. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-722
Gasoline & Automotive Service Dealers of America, Inc. v. Champion Laboratories, Inc.,
et al., C.A. No. 3:08-729

Northern District of Illinois

Lovett Auto & Tractor Parts, Inc. v. Champion Laboratories, Inc., et al., C.A. No. 1:08-2046
Neptune Warehouse Distributors, Inc. v. Champion Laboratories, Inc., et al.,
C.A. No. 1:08-2317
S.A.E. Warehouse, Inc. v. Champion Laboratories, Inc., et al., C.A. No. 1:08-2804
Pawnee/S.A.E. Warehouse, Inc. v. Champion Laboratories, Inc., et al., C.A. No. 1:08-2806

Southern District of Illinois

Manasek Auto Parts, Inc., etc. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-305
Big T, Inc., etc. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-331
Cal's Auto Service, Inc. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-351
WWD Parts, Inc., etc. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-353

District of New Jersey

Central Warehouse Sales Corp. v. Champion Laboratories, Inc., et al.,
C.A. No. 2:08-2123
All American Plazas of New Jersey, Inc. v. Honeywell International Inc., et al.,
C.A. No. 2:08-2302
Worldwide Equipment, Inc. v. Honeywell International, Inc., et al., C.A. No. 2:08-2303

- A2 -

Eastern District of Tennessee

Randall Bethea, et al. v. Champion Laboratories, Inc., et al., C.A. No. 2:08-126

Middle District of Tennessee

Werner Aero Services v. Champion Laboratories, Inc., et al., C.A. No. 3:08-474

Docket: 1957 - IN RE: Aftermarket Filters Antitrust Litigation

Status: Transferred on 08/18/2008

Transferee District: ILN Judge: Gettleman, Robert W.

Printed on 08/18/2008

ATTORNEY - FIRM**REPRESENTED PARTY(S)**

Ademi, Guri
ADEMI & O'REILLY LLP
3620 East Layton Avenue
Cudahy, WI 53110

=> **Phone: (414) 482-8005 Email: gademi@ademilaw.com**
Packard Automotive, Inc.

Aranoff, Ronald J.
BERNSTEIN LIEBHARD & LIFSHITZ LLP
10 East 40th Street
22nd Floor
New York, NY 10016

=> **Phone: (212) 779-1414 Fax: (212) 779-3218 Email: aranoff@bernlieb.com**
Werner Aero Services*

Asher, Steven A.
WEINSTEIN KITCHENOFF & ASHER LLC
1845 Walnut Street
Suite 1100
Philadelphia, PA 19103

=> **Phone: (215) 545-7200 Fax: (215) 545-6535 Email: asher@wka-law.com**
Worldwide Equipment, Inc.*

Briggs, John DeQ.
HOWREY LLP
1299 Pennsylvania Avenue, N.W.
Washington, DC 20004

=> **Phone: (202) 783-0800 Fax: (202) 318-8594 Email: briggsj@howrey.com**
Wix Filtration Corp., LLC*

Bruckner, W. Joseph
LOCKRIDGE GRINDAL NAUEN PLLP
100 Washington Avenue South
Suite 2200
Minneapolis, MN 55401-2179

=> **Phone: (612) 339-6900 Fax: (612) 339-0981 Email: wjbruckner@locklaw.com**
Pawnee/S.A.E. Warehouse, Inc.*; S.A.E. Warehouse, Inc.*

Cadenhead, Chris
CADENHEAD LAW FIRM
Pier 98 Centre
534 Harbor Boulevard
Suite 501
Destin, FL 32541

=> **Phone: (850) 837-5509 Fax: (850) 682-8343 Email: chris@cadenheadlawfirm.com**
Bethea, Randall; Padgett, James

Dubitsky, Doug
UPDIKE KELLY & SPELLACY PC
One State Street
Suite 2400
P.O. Box 231277
Hartford, CT 06103

=> **Phone: (860) 548-2643 Fax: (860) 548-6043 Email: ddubitsky@uks.com**
Parts Plus Group, Inc.; Ward's Auto Painting & Body Works, Inc.

Esades, Vincent J.
HEINS MILLS & OLSON PLC
310 Clifton Avenue
Minneapolis, MN 55403

=> **Phone: (612) 338-4605 Fax: (612) 338-4692 Email: vesades@heinsmills.com**
Bentley, Dale*; Doll, III, Francis*; Foster, John*; Frame, Wesley*; Gordon, Dan*; Gorton, Karen*;
Gregory, Charles*; Hammer, Ben*; Matthys, Jason*; Perry, Piper*

Freed, Michael J.
FREED KANNER LONDON & MILLEN LLC
2201 Waukegan Road

=> **Phone: (224) 632-4500 Fax: (224) 632-4519 Email: mfreed@fkmlaw.com**
Neptune Warehouse Distributors, Inc.*

ATTORNEY - FIRM

REPRESENTED PARTY(S)

Suite 130
Bannockburn, IL 60015

Gordon, Ruthanne
BERGER & MONTAGUE PC
1622 Locust Street
Philadelphia, PA 19103-6365

=> **Phone: (215) 875-3000 Fax: (215) 875-4604 Email: rgordon@bm.net**
WWD Parts, Inc. dba Parts for Imports*

Grabar, Joshua H.
BOLOGNESE & ASSOCIATES LLC
Two Penn Center Plaza
1500 JFK Boulevard
Suite 320
Philadelphia, PA 19102

=> **Phone: (215) 814-6750 Fax: (215) 814-6764 Email: jgrabar@bolognese-law.com**
Gemini of Westmont, Inc. dba Son's Auto Supply*

Hansel, Gregory P.
PRETI FLAHERTY BELIVEAU & PACHIOS LLP
One City Center
P.O. Box 9546
Portland, ME 04112-9546

=> **Phone: (207) 791-3000 Fax: (207) 791-3111 Email: ghansel@preti.com**
T.D.S. Co., Inc. dba TWI Auto Parts & Supplies*

Hassi, Edward
O'MELVENY & MYERS LLP
Time Square Tower
7 Times Square
New York, NY 10036

=> **Phone: (212) 326-4318 Fax: (212) 326-2061 Email: ehassi@omm.com**
Honeywell International, Inc.*

Hoese, William E.
KOHN SWIFT & GRAF PC
One South Broad Street
Suite 2100
Philadelphia, PA 19107

=> **Phone: (215) 238-1700 Fax: (215) 238-1968 Email: whose@kohswift.com**
Barjan, LLC*

Kadzik, Peter J.
DICKSTEIN SHAPIRO LLP
1825 Eye Street, N.W.
Washington, DC 20006-5403

=> **Phone: (202) 420-2200 Fax: (202) 420-2201 Email: kadzikp@dicksteinshapiro.com**
ArvinMeritor, Inc.*

Kanzer, Alan
ALSTON & BIRD LLP
90 Park Avenue
New York, NY 10016

=> **Phone: (212) 210-9480 Fax: (212) 210-9444 Email: akanzer@alston.com**
Mann + Hummel U.S.A., Inc.*

Liebenberg, Roberta D.
FINE KAPLAN & BLACK RPC
1835 Market Street
28th Floor
Philadelphia, PA 19103

=> **Phone: (215) 567-6565 Fax: (215) 568-5872 Email: rliebenberg@finekaplan.com**
Big T, Inc. dba A to Z Auto Parts*

Lite, Allyn Z.
LITE DEPALMA GREENBERG & RIVAS LLC
Two Gateway Center
12th Floor

=> **Phone: (973) 623-3000 Fax: (973) 623-0858 Email: alite@ldgrlaw.com**
All American Plazas of New Jersey, Inc.

ATTORNEY - FIRM

REPRESENTED PARTY(S)

Newark, NJ 07102-5003

Lovell, Christopher
LOVELL STEWART HALEBIAN LLP
500 Fifth Avenue
Floor 58
New York, NY 10110

=> **Phone: (212) 608-1900 Fax: (212) 719-4677 Email: clovell@lshllp.com**
Austin, III, Justus*

McCluer, Stuart H.
MCCULLEY MCCLUER PLLC
1109 Van Buren Avenue
Oxford, MS 38655

=> **Phone: (662) 236-1401 Fax: (662) 236-1974 Email: smccluer@mcculleymccluer.com**
Lovett Auto & Tractor Parts, Inc.*

McKeown, James T.
FOLEY & LARDNER LLP
777 East Wisconsin Avenue
Milwaukee, WI 53202-5306

=> **Phone: (414) 297-5530 Fax: (414) 297-4900 Email: jmckeown@foley.com**
Donaldson Co. (The)*

Murphy, Jerome A.
CROWELL & MORING LLP
1001 Pennsylvania Avenue, NW
Washington, DC 20004

=> **Phone: (202) 624-2500 Fax: (202) 628-5116 Email: jmurphy@crowell.com**
Bosch U.S.A.*; Purolator Filters N.A., LLC*

Nussbaum, Linda P.
KAPLAN FOX & KILSHEIMER LLP
850 Third Avenue
14th Floor
New York, NY 10022

=> **Phone: (212) 687-1980 Fax: (212) 687-7714 Email: lnussbaum@kaplanfox.com**
Bruene (dba Lone Star Lube), William C.*

Paris, Simon B.
SALTZ MONGELUZZI BARRETT & BENDESKY PC
One Liberty Place
1650 Market Street
52 Floor
Philadelphia, PA 19103

=> **Phone: (215) 496-8282 Fax: (215) 496-0999 Email: sparis@smbb.com**
Manasek Auto Parts, Inc. dba Undercar Warehouse*

Paskin, Michael A.
CRAVATH SWAINE & MOORE LLP
Worldwide Plaza
825 8th Avenue
New York, NY 10019

=> **Phone: (212) 474-1760 Fax: (212) 474-3700 Email: mpaskin@cravath.com**
Cummins Filtration, Inc.*

Persky, Bernard
LABATON SUCHAROW LLP
140 Broadway
33rd Floor
New York, NY 10005

=> **Phone: (212) 907-0700 Fax: (212) 818-0477 Email: bpersky@labaton.com**
Flash Sales, Inc.*; Gasoline & Automotive Service Dealers of America, Inc.; S&E Quick Lube Distributors, Inc.*

Prescott, Darrell
BAKER & MCKENZIE LLP
1114 Avenue of the Americas
New York, NY 10036

=> **Phone: (212) 626-4476 Fax: (212) 310-1600 Email: darrell.prescott@bakernet.com**
Baldwin Filters, Inc.*

ATTORNEY - FIRM

REPRESENTED PARTY(S)

Rosemergy, James J.
CAREY & DANIS LLC
8235 Forsyth Boulevard
Suite 1100
St. Louis, MO 63105-3786

=>Phone: (314) 725-7700 Fax: (314) 721-0905 Email: jrosemergy@careydanis.com
Cal's Auto Service, Inc.

Spector, Eugene A.
SPECTOR ROSEMAN & KODROFF PC
1818 Market Street
Suite 2500
Philadelphia, PA 19103

=>Phone: (215) 496-0300 Fax: (215) 496-6611 Email: espector@srk-law.com
Central Warehouse Sales Corp.*

Wix Filtration Corp., LLC,
c/o CT Corporation System
225 Hillsborough Street
Raleigh, NC 27603

=>
Wix Filtration Products

Zwisler, Margaret M.
LATHAM & WATKINS LLP
555 Eleventh Street, N.W.
Suite 1000
Washington, DC 20004-1304

=>Phone: (202) 637-2200 Fax: (202) 637-2201 Email: margaret.zwisler@lw.com
Champion Laboratories, Inc.*; United Components, Inc.*